

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 12, 1983

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner David F. Sayre  
Judith A. Spalding, Recording Secretary

(Commissioner Larry Millison was not present.)  
(The meeting was called to order at 9:15 a.m.)

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, July 5, 1983 and further approve the minutes pertaining to zonings from the Office of Planning and Zoning dated June 28, 1983. Motion unanimously carried.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Sayre, to approve payment of the bills. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) Construction Plans  
Spring Valley/Londontowne Drainage

Mr. Norris presented the construction plans for the drainage improvements for Spring Valley and Londontowne and requested authorization for Commissioner President Aud to sign same. Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the plans as referenced above. Motion unanimously carried.

2) St. Mary's County Airport  
Project No. SM 83-4-3  
Obstruction Removal and Taxiway Embankment

Mr. Norris presented a contract by and between Board of County Commissioners and Arundel Asphalt Inc., for the referenced project at the County Airport. Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Contract. Motion unanimously carried.

3) Project No. SM 83-1-1  
Londontowne/Spring Valley Drainage

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the contract to Audbrey Gatton in the amount of \$17,550. Commissioner Dean moved, seconded by Commissioner Arnold to award the contract as recommended by the County Engineer. Motion unanimously carried.

OFFICE OF THE COUNTY ENGINEER ITEMS (continued)

- 4) Project No. SM 83-1-1  
Spring Valley/Londontowne  
Drainage Improvements  
Reinforced Concrete Pipe  
Corrugated Metal Pipe

Mr. Norris presented the bid tally sheet for the referenced projects and recommended awarding the contracts as follows:

Reinforced Concrete Pipe - Gray Concrete Pipe Company in the amount of \$16,520

Corrugated Metal Pipe - Republic Steel Corp. in the amount of \$1,367.91

Commissioner Aud moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendation as set forth above. Motion unanimously carried.

- 5) Project No. SM 78-1-3A  
McIntosh Road Reconstruction

Mr. Norris presented Extra Work Authorization No. 1 payable to Gatton Concrete, Inc. in the amount of \$400,000 for relocation required to do redesign of roadway. Commissioner Dean moved, seconded by Commissioner Sayre to approve and authorize Commissioner President Aud to sign said Extra Work Authorization. Motion unanimously carried.

- 6) Lexington Park Storm Drainage Project

Mr. Norris presented the following documents relative to the referenced project for the Commissioners' review and approval:

- a) Construction Easement dated July 5, 1983 by and between Southern Maryland Oil, Inc. and the Board of County Commissioners of St. Mary's County;
- b) Construction Easement dated July 7, 1983 by and between William E. Virnstein and the County Commissioners of St. Mary's County.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Construction Easements. Motion unanimously carried.

- 7) Lexwoods Drainage Project

Mr. Norris presented the following documents relative to the referenced project for the Commissioners' review and approval:

- a) Grading Agreement dated May 13, 1983 by and between Great Mill Ct. Associates Limited Partnership and St. Mary's County Maryland
- b) Maintenance Agreement dated May 5, 1983 by Great Mills Court Associates Limited Partnership and the Board of County Commissioners of St. Mary's County;
- c) Grading and Sloping Easement and Maintenance of Same dated May 5, 1983 by Joseph P. Baker and the Board of County Commissioners of St. Mary's County;
- d) Easement dated May 5, 1983 by Joseph P. Baker and the Board of County Commissioners of St. Mary's County.

OFFICE OF COUNTY ENGINEER ITEMS (continued)

Commissioner Arnold moved, seconded by Commissioner Sayre to approve and authorize Commissioner President Aud to sign the referenced documents. Motion unanimously carried.

8) Special Projects Fund

Present: Joseph P. O'Dell, Director, Budget & Data Services

Mr. Norris advised the Commissioners that in prior years the County has received revenue from developers, insurance companies, etc. to do certain project work. In the past the budget authority of a currently approved project was depleted by the value of the work even though the County received additional revenues. Therefore, it is requested that the accounting be changed to correct this problem by establishing a Special Project Fund and that journal entries be made for this projects are being completed in FY '83 and a Supplemental Budget Appropriation will be prepared for those projects where revenue was received but work not commenced.

Mr. O'Dell further explained the process and requested the Commissioners approval for the expenditure of funds on the approved projects prior to the Supplemental Budget Appropriation being presented a public hearing held and approved. The projects include: Lexwood, Birch Manor Fenwick Manor, Tenn-Wood Acres, Ponderosa Estates, and Driveway Entrances. In addition the route evaluation study was an operation expense in FY'83 and needs to be transferred for authority as an operating expense in FY '84 as the expenditures have not been completed.

The Commissioners gave their concurrence in establishing the Special Projects Fund for the expenditure of funds on the above approved projects and that a Supplemental Appropriation public hearing be held. Motion unanimously carried.

9) Private Common Driveways

For discussion at a later time, Mr. Norris presented information pertaining to private common driveways.

JOBS BILL PROGRAM  
COMMUNITY DEVELOPMENT BLOCK GRANT

Present: Joseph Mitchell, Director, Economic & Community Development  
David Morgan, Economic Development Coordinator  
Frank Gerred, Director, Office of Planning & Zoning

Mr. Mitchell advised that the Department of Housing and Urban Development has announced a grant that will be available to be used for the creation of jobs. Mr. Mitchell stated that after consideration of what would be needed in the County and in anticipation of the upcoming 350th anniversary of the founding of Maryland celebration next year, it was decided that a \$250,000 grant be applied for the construction of walkways and amphitheatre at St. Mary's City. If the Commissioners concur, authorization is needed for Commissioner President Aud to sign the grant application for submission of HUD.

Commissioner Sayre moved, seconded by Commissioner Arnold, to grant this authorization. Motion unanimously carried.

TRI-COUNTY COUNCIL  
COMMUTER TRANSPORTATION STUDY

Present: Frank Gerred, Director, Office of Planning & Zoning

Mr. Gerred advised the Commissioners that Tri-County Council has recently completed a Commuter Transportation Study and there are two items which can be addressed by the Commissioners.

- 1) A need for additional and improved "Park and Ride" sites; The study recommends locations at Routes 4 and 235 and at Routes 5 and 235. It is suggested that the Commissioners encourage the State Highway Administration to make improvements at those locations--enlarge, placement of signs and installation of lights.
- 2) The establishment of a storage location for Gold Line Buses.

In discussion, the Commissioners agreed that correspondence be prepared to SHA expressing the County support of establishment of the "Park and Ride" sites and stating that each site should receive careful evaluation on its own merit. The Commissioners would like to be informed prior to the establishment of these sites.

With regard to the Gold Line Bus storage, the Commissioners were of the opinion that this was not a matter for their consideration but should be discussed with the owner of the bus line.

TAXPAYERS' ASSOCIATION

Present: Betty Robrecht, Taxpayer's Association  
Claude Jarboe, Taxpayer's Association  
other Taxpayers' Association Members.

The referenced individuals appeared before the Commissioners to present a Resolution adopted by the Taxpayers' Association whereby it is requested that the Commissioners appoint a new committee to review and revise the 1973 Report of the Blue Ribbon Trailer Committee and further that the Taxpayers' Association be afforded the opportunity to nominate two members. The Taxpayers' Association would like for the Committee to submit its report in time to submit proposed legislation to the 1984 Maryland General Assembly. (A copy of the Resolution is on file in the Commissioners' Office.)

After discussion the Commissioners agreed with the suggestion of the Taxpayers' Association to appoint a Committee and would let the Association know when this was being done.

Later in the day, Mr. O'Dell, Director, Budget & Data Services, informed the Commissioners that a change in the taxation for trailer parks would not require legislation, but could be done by County Ordinance.

BUDGET AMENDMENTS

The Commissioners reviewed the following Budget Amendments recommended for approval by the Director of Budget & Data Services as follows:

No. 83-74 - Various Departments

To adjust capital project accounts, where applicable.

No. 83-75 - Various Departments

To adjust final budget authority where applicable in General Fund.

No. 84-1 - County Engineer

To adjust budget authority concerning building repairs and to apply project cost reporting to specific projects.

No. 84-2 - Office on Aging

To transfer Budget Authority to authorized grant accounts.

Commissioner Sayre moved, seconded by Commissioner Aud, to approve the referenced Budget Amendments as presented. Motion unanimously carried.

LEGAL SERVICES - PROTECTION OF PATUXENT RIVER

The Commissioners review correspondence from the Director of Tri-County Council dated July 1 requesting the County's participation in cost-sharing with Calvert and Charles Counties to continue to retain the law firm of Harmon and Weiss for the protection of the environmental quality of the Patuxent River. The current six month Agreement has expired and Tri-County Council recommends extending the contract for an additional 12 months at a cost not to exceed \$750 per month per County (37.5%).

Commissioner Aud moved, seconded by Commissioner Arnold to participate in the cost-sharing as set forth above. Motion unanimously carried.

AUDIT OF COUNTY'S FINANCIAL STATEMENTS

The Commissioners received a proposal dated June 14, 1983 from the firm of Wooden & Benson to do the audit of the County's financial statements for the year ending June 30, 1983 in an amount not expected to exceed \$24,250. Mr. O'Dell recommended that the Commissioners accept the proposal from Wooden & Benson with the exception of the items concerning Walden-Sierra in that the Walden-Sierra Corporation will be responsible for that audit.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept Mr. O'Dell's recommendation. Motion unanimously carried.

RAILROAD RIGHT OF-WAY AGREEMENT  
JOSEPH E. HALL

Confirmation approval was given for Railroad Right-of-Way Agreement dated June 23, 1983 by and between the Board of County Commissioners of St. Mary's County and Southern Maryland Electric Cooperative, Inc. and Joseph E. Hall for access across the old railroad right-of-way from MD. Route 235 to the property of Joseph Hall.

CORRESPONDENCE

The Commissioners reviewed and agreed to sign and forward the following items of correspondence :

- 1) to Governor Hughes expressing appreciation for his efforts in setting up meeting with governors of Maryland, Virginia and Pennsylvania regarding preservation of Chesapeake Bay.

CORRESPONDENCE (Continued)

- 2) To Carl M. Loffler, Jr., President, Chamber of Commerce, expressing The County's appreciation for the Chamber's efforts in the Trade Fair held July 9 and 10.
- 3) To state Ethics Commission setting forth proposed changes to the St. Mary's county Ethics Ordinance which have been reviewed by the local Ethics Commission.
- 4) To Thomas Botsford expressing appreciation for his efforts at the County Airport.

REZONING DECISION DISCUSSIONS

Commissioners Present: George R. Aud  
Richard Arnold  
Ford L. Dean  
David F. Sayre

Staff Present: Frank Gerred, Director, Office of P & Z  
Anita Meridith, Recording Secretary

ZPUD #83-0273 - HUNTING QUARTER

(Requesting rezoning from AR, Agricultural-Residential to PDR .92, Planned Unit Development Residential. The property contains approximately 95 acres and is located on MD Rt. 5, Callaway Tax Map 50, Block 16, Parcel 89, Second Election District.)

Following examination of the drafted Resolution, Commissioner Dean offered several amendments to same, which would include: reference to the Development Plan, approval of the rezoning request to reclassification of the property to PDR .92, thereby changing the Comprehensive Water and Sewer Plan to allow for installation of a central water system, subject to:

1. All concept plant, site plans, record plats, and deeds shall clearly state which roads are private and which lots are served by same. Furthermore, a similar note shall spell out, in detail, that the County had no obligation whatsoever for maintaining the private roads and that school buses will not use the private roads.
2. The private roads shall be subject to site plan review, including but not limited to, drainage and sediment control.
3. The private roads shall be constructed to standards, to be established by the County.
4. There shall be established in a manner acceptable to the County, the procedure and means by which the private roads shall be maintained.
5. At least the contiguous acres of level, grassed area will be provided for the residents' recreation and that said recreation area will be included as part of the 30 acre open space, which will be transferred to the homeowners' association. Plans for development and maintenance by the homeowners' Association shall be subject to review by the Planning Commission.

All Commissioners concurred

Commissioner Dean advised that he had discussed these changes with the applicant, who was in accord with those referenced stipulations.

Later in the meeting, the final Zoning Amendment Resolution (No. ZA83-09) was presented for the Commissioners' approval and signatures. Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign said Zoning Amendment Resolution. Motion unanimously carried.

ZONE #83-0161 - HOWARD P. LEELAND

(Request rezoning from R-1, Rural Residential, to C-2, Commercial. The property contains 1.0 acres and is located on MD Rt. 235, Oraville, in the fifth Election District. Tax Map 13, Block 12 Parcel 132.

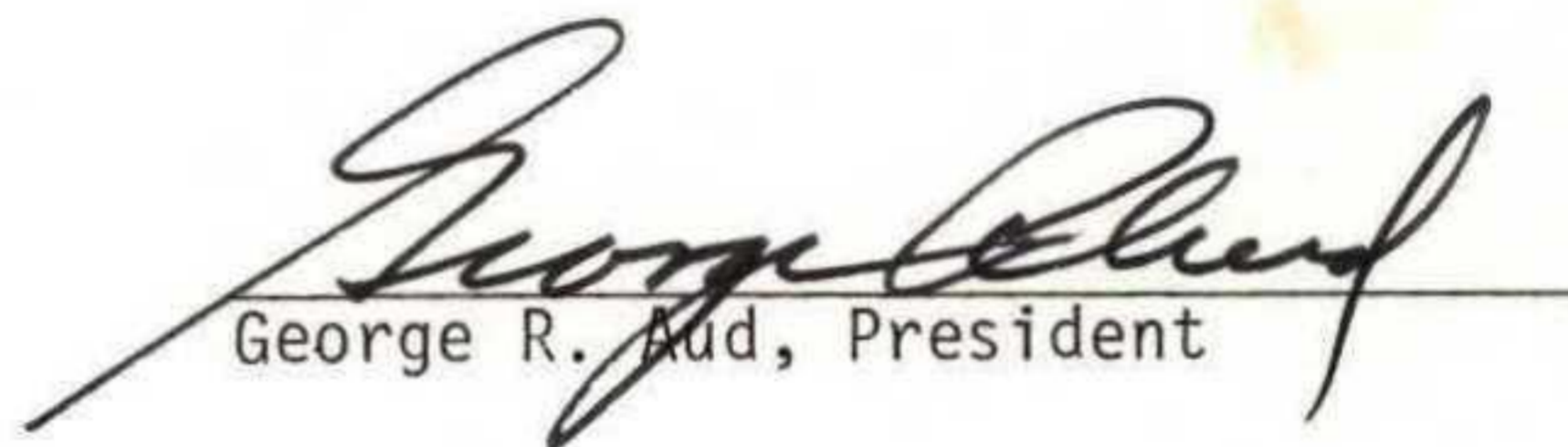
Commissioner Dean distributed to the other members of the Board and staff, his prepared written comments with respect to this rezoning request. Said paper included a positive recommendation for C-2 zoning with the stipulations provided (to maintain the integrity of the predominant nature of the adjacent properties, as well as to retain similar commercial nature of the property as was in existence at the time comprehensive zoning was adopted) that the owner would enter into a contractual arrangement to delete as permitted C-2 uses; any tavern or alcoholic beverage store, either on or off sale, auto repair garage, automobile sales and service. Said pre-agreement would be formalized prior to signing of the Resolution by the Board of County Commissioners.

Accordingly, Commissioner Dean moved, to authorize the County Attorney to prepare the appropriate resolution with the aforementioned understanding. Commissioner Arnold seconded the motion unanimously passed.

ADJOURNMENT

The meeting adjourned at 11:00 a.m.

Approved:

  
George R. Aud, President